

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

PATRICK CODY,
Plaintiff

v.

Civil Action No.: 05-10290PBS

SPRINGFIELD TERMINAL RAILWAY
COMPANY and BOSTON AND MAINE
CORPORATION,

Defendants

RULE 16(O)(3) CERTIFICATION

This is to certify that the Plaintiff, Patrick Cody, and his counsel, Thomas J. Joyce, III, Esquire and Michael J. McDevitt, Esquire, have conferred to establish a budget for the full litigation of the above-captioned matter as well as a budget for various alternative courses. Patrick Cody and his counsel have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs, and Plaintiff and Plaintiff's counsel feel that this case may benefit from mediation prior to jury trial.

Respectfully Submitted,

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR PLAINTIFF

/s/ Thomas J. Joyce, III, Esquire
Thomas J. Joyce, III, Esquire
HANNON & JOYCE

PLAINTIFF

/s/ Michael J. McDevitt, Esquire
Michael J. McDevitt, Esquire
LAWSON & WEITZEN, LLP
Local Counsel for Plaintiff
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Boston, MA 02210

/s/ Patrick Cody
Patrick Cody

Dated: 5-17-2005